



# WASHOE COUNTY

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## STAFF REPORT

BOARD MEETING DATE: April 12, 2016

**DATE:** March 8, 2016  
**TO:** Board of County Commissioners  
**FROM:** John Listinsky, Director of Human Resources/Labor Relations  
jlistinky@washoecounty.us, 328-2089  
**THROUGH:** Joey Orduna Hastings, Assistant County Manager  
**SUBJECT:** Approve the revised Pro Tem Justice of the Peace panel for the Justice Courts pursuant to NRS 4.032; and, approve same to serve as a list of potential Administrative Enforcement Code hearing officers pursuant to WCC section 125.225. (All Commission Districts.)

### SUMMARY

The current Pro Tem Justice of the Peace panel for the Justice Courts was approved by the Board of County Commissioners in 2012 and needs to be updated. Human Resources contacted panelists from the existing list and asked them to re-apply if interested. Human Resources also advertised to recruit additional panelists. Attached is the updated Pro Tem Justice of the Peace List for the Justice Courts, to include Reno, Sparks, Incline and Wadsworth, pursuant to NRS 4.032. If approved, this list will also be used for Administrative Enforcement Code hearing officers pursuant to WCC section 125.225.

The County Strategic Objective supported by this item: Safe, Secure and Healthy Communities

### PREVIOUS ACTION

On March 16, 2004, the Board of County Commissioners pursuant to NRS 4.032 approved a list of Pro Tem Justices of the Peace for Sparks, Reno and Incline Justice Courts.

On October 10, 2006, the Board of County Commissioners pursuant to NRS 4.032 approved a list of Pro Tem Justices of the Peace for Sparks and Incline Justice Courts.

On October 9, 2007, the Board of County Commissioners pursuant to NRS 4.032 approved a list of Pro Tem Justices of the Peace for Reno Justice Court.

On April 14, 2009, the Board of County Commissioners pursuant to NRS 4.032 approved a list of Pro Tem Justices of the Peace for Incline Justice Court.

The Administrative Enforcement Ordinance was adopted on August 11, 2009 and became effective on September 18, 2009.

AGENDA ITEM # 5.G.1.

On April 13, 2010, the Board of County Commissioners approved a list of Pro Tem Justices of the Peace for the Justice Courts pursuant to NRS 4.032. The Board also approved the same to serve as a list of potential Administrative Enforcement Code hearing officers pursuant to WCC section 125.225. Subsequent Pro Tem/Hearing Officer lists were approved on August 24, 2010, November 8, 2011 and December 11, 2012.

## **BACKGROUND**

### **PRO TEM JUSTICE OF THE PEACE LIST**

The Board of County Commissioners is charged with selecting a number of persons it determines appropriate to comprise a panel of substitute justices of the peace pursuant to NRS 4.032(1).

#### **NRS 4.032 Justices of the peace pro tempore.**

1. The board of county commissioners of each county shall select a number of persons it determines appropriate to comprise a panel of substitute justices of the peace. The persons so selected must possess the qualifications set forth in NRS 4.010 for the office of justice of the peace in the respective county.

The persons selected must possess the qualifications set forth in NRS 4.010.

#### **NRS 4.010 Qualifications of justice of the peace.**

1. A person may not be a candidate for or be eligible to the office of justice of the peace unless the person is a qualified elector and has never been removed or retired from any judicial office by the Commission on Judicial Discipline. For the purposes of this subsection, a person is eligible to be a candidate for the office of justice of the peace if a decision to remove or retire the person from a judicial office is pending appeal before the Supreme Court or has been overturned by the Supreme Court.

2. A justice of the peace must have a high school diploma or its equivalent as determined by the State Board of Education and:

- (a) In a county whose population is 400,000 or more, a justice of the peace in a township whose population is 100,000 or more must be an attorney who is licensed and admitted to practice law in the courts of this State at the time of his or her election or appointment and has been licensed and admitted to practice law in the courts of this State, another state or the District of Columbia for not less than 5 years at any time preceding his or her election or appointment.

- (b) In a county whose population is less than 400,000, a justice of the peace in a township whose population is 250,000 or more must be an attorney who is licensed and admitted to practice law in the courts of this State at the time of his or her election or appointment and has been licensed and admitted to practice law in the courts of this State, another state or the District of Columbia for not less than 5 years at any time preceding his or her election or appointment.

3. Subsection 2 does not apply to any person who held the office of justice of the peace on June 30, 2001. [Part 2:108:1866; A 1953, 711; 1955, 459]—(NRS A 1987, 438; 1999, 94, 1347; 2005, 1212)

On August 24, 2010, the Board approved a process to be used for recruitment and selection of the Pro Tem/Hearing Officer list. This process is as follows:

1. Human Resources Office (HR) will create a position description including the statutory qualifications for a Pro Tem Justice of the Peace
2. Beginning in April of each year, HR will advertise in the Nevada Bar Association newsletter and other appropriate mediums for candidates.
3. Interested individuals will be provided a description of the position and an application.
4. All applications will be screened by HR for the minimum qualifications
5. The applications of all those qualified will be presented to a screening committee comprised of two justices of the peace, and a member of the State Bar-Northern Nevada Disciplinary Board. The committee will compile an approved list of candidates which will be submitted to the Board for consideration.

After discussion with the Justice Courts presiding judges and the Board of County Commission Chair in the Fall of 2015, the screening committee review is recommended to be removed from this process. All applications will be reviewed and qualified using the statutory criteria by the Washoe County Department of Human Resources. The Nevada State Bar will also be consulted to ensure that the applicants are in good standing. Human Resources will compile an approved list of candidates which will be submitted to the Board of County Commissioners for consideration.

#### **ADMINISTRATIVE ENFORCEMENT CODE HEARING OFFICERS LIST**

The Administrative Enforcement Code authorizes hearing officers to preside over administrative hearings when the County Commission elects to not conduct the hearing itself. Washoe County Code (WCC) section 125.225 requires that the County Commission approve a list of all persons to serve as hearing officers. Hearing officers operate under an independent contractor agreement with Washoe County.

On April 13, 2010, the County Commission agreed to use the Pro Tem Justice of the Peace list as the list for Administrative Hearing Officers. These individuals have knowledge of judicial proceedings and the ability to facilitate fairness and equitability in such proceedings. Individuals on the Pro Tem/Hearing Officer list receive training in administrative hearing procedure. Since 2010, these individuals have served in both roles as needed.

#### **FISCAL IMPACT**

There is no fiscal impact as the Pro Tem Justice of the Peace panel is simply being selected. Expenditures associated with the administrative assessment hearings are budgeted in the general fund cost center 101110 titled Administrative Enforcement Process.

#### **RECOMMENDATION**

Approve the revised Pro Tem Justice of the Peace panel for the Justice Courts pursuant to NRS 4.032; and, approve same to serve as a list of potential Administrative Enforcement Code hearing officers pursuant to WCC section 125.225.

#### **POSSIBLE MOTION**

Should the Board agree with staff's recommendation, a possible motion would be, move to approve the revised Pro Tem Justice of the Peace panel for the Justice Courts pursuant to NRS 4.032; and, approve same to serve as a list of potential Administrative Enforcement Code hearing officers pursuant to WCC section 125.225.

Attachment: Pro Tem Justice of the Peace panel

PRO TEM JUSTICE OF THE PEACE LIST

March 2016

Angres, Robert Julian (I, R, S)  
Baker, William P. (I, R, S, W)  
Beyer, Elizabeth Webb (I, R, S)  
Field-Lang, Cheryl (R, S)  
Ghusn, Nancy Moss (R, S)  
Greiner, Jill I. (I, R, S)  
Hall, Ann O. (I, R, S, W)  
Halstead, Patricia (I, R, S, W)  
Holderer, Gayle (I, R, S, W)  
Hubach, Jenny Diane (I, R, S, W)  
Leeder, Nancyann (R, S)  
Malone, John E. (I, R, S, W)  
Mangiaracina, Melissa (I)  
Molezzo, Richard A. (I, R, S, W)  
Moore, John (I, R, S, W)  
Rands, Douglas (I, R, S, W)  
Skelly, Muriel R. (R, S, W)  
Specchio, Michael R. (S)  
Springgate, John (I, R, S, W)  
Viloria, Kelli Anne (I, R, S)  
Vinson, Robert E. (I)  
Wolf, Andrew N. (I)

I = Incline Justice Court  
R = Reno Justice Court  
S = Sparks Justice Court  
W = Wadsworth Justice Court